

Gregory P. Clarke
CTY-PIKE
A 401-62-479
HC 8, Box 8601
Hawley, PA 18428-8610

Re: 1:01-cv-00738

Please file all pleadings directly with the Clerk's Office in which the assigned Judge is located. Do not file any courtesy copies with the Judge's Chambers.

JUDICIAL OFFICERS:

Judge Sylvia H. Rambo
Judge Yvette Kane
Judge William W. Caldwell
Magistrate Judge J. Andrew Smyser

CLERK'S OFFICE ADDRESS:

U.S. District Court
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

Chief Judge Thomas I. Vanaskie
Judge A. Richard Caputo
Judge James M. Munley
Judge William J. Nealon
Judge Richard P. Conaboy
Judge Edwin M. Kosik
Magistrate Judge Malachy E. Mannion
Magistrate Judge Thomas M. Blewitt

U.S. District Court
235 N. Washington Ave.
P.O. Box 1148
Scranton, PA 18501

Judge James F. McClure
Judge Malcolm Muir

U.S. District Court
240 West Third Street
Suite 218
Williamsport, PA 17701

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREGORY P. CLARKE, : CIVIL NO. 1:CV-01-0738
Petitioner : (Judge Caldwell)
v. : (Magistrate Judge Smyser)
IMMIGRATION AND NATURALIZATION :
SERVICE, :
Respondent : :
: : FILED
: : HARRISBURG, PA

JUN 19 2001

ORDER

MARY E. O'ANDREA, CLERK
PER JMS DEPUTY CLERK

The petitioner, an alien in the custody of the Immigration and Naturalization Service (INS), filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court for the District of Massachusetts. On April 27, 2001, the case was transferred to this court. The petitioner claims that his detention is unconstitutional.

By an Order dated May 7, 2001, the respondent was ordered to show cause on or before May 28, 2001, why the petitioner should not be granted habeas corpus relief. The Order of May 7, 2001, also provided that the petitioner may file a reply to the response within 10 days of the filing of the response. In addition, the Order of May 7, 2001, provided

that all documents filed by the parties and by the court shall be served upon the United States Attorney.

On May 14, 2001, the petitioner filed a letter requesting that counsel be appointed to represent him in this case. On May 16, 2001, the petitioner filed a motion to stay the order of removal against him and a brief in support of his petition for habeas corpus relief. None of these three documents contained a certificate of service indicating that they were served on the United States Attorney.

On May 21, 2001, the respondent filed a brief opposing the petition for a writ of habeas corpus and documents in support of its opposition.

On May 31, 2001, the petitioner filed a document entitled "Petitioner's Brief to Support the Petition for a writ of Habeas Corpus" and documents in support of that brief. Again, these documents do not contain a certificate of service indicating that they were served on the United States Attorney.

We will strike from the record the documents that the petitioner filed that he has not served on the United States Attorney.

AND NOW, this 19th day of June, 2001, IT IS HEREBY ORDERED
that documents numbered 3,4,5,9 & 10 are STRICKEN FROM THE
RECORD.



J. Andrew Smyser
Magistrate Judge

Dated: June 19, 2001.